THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13865 of 1995

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Dated 16-03-2006

Between:

Y.Nagi Reddy.

..... PETITIONER

AND

The Managing Director, APSRTC, Musheerabad, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13865 of 1995

O R D E R:

Questioning the action of the respondents in compelling the petitioner to go on forced leave, denial of increment, recovery of money and denial of back wages, the present writ petition is filed.

Facts, in brief, are that the petitioner joined as a Conductor in the respondent-Corporation in 1964 and thereafter was promoted as Controller. Alleging that he had assaulted one of the helpers on
14-10-1982, the petitioner was placed under suspension on
21-11-1982 and finally removed from service on 29-08-1983. Petitioner filed an application under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the

Act'), which was registered as I.D.No.416 of 1987. The Labour Court, Guntur, in its award dated
01-02-1989, directed that the petitioner be reinstated into service without back wages. The award was published in G.O.Rt.No.330, dated 23-02-1989 and the petitioner was thereafter reinstated and posted at Giddalur depot by order dated 11-07-1989. During the pendency of the industrial dispute, the petitioner had sought for payment of provident fund, which amount was paid to him. Consequent upon his reinstatement, the petitioner was directed to refund the amount paid to him earlier towards provident fund.

Respondents, in their counter affidavit, would submit that a sum of Rs.16,222/- was paid to the petitioner towards provident fund at the time of his removal from service. According to the circular instructions and A.P.S.R.T.C Employees Provident Fund (Trust) Regulations, a member who was removed from service and subsequently reinstated is required to repay the entire amount paid to him earlier and consequently, the petitioner was directed to refund the amount which was paid to him towards settlement of his provident fund, and since, even after the expiry of three months from the date of issuance of notice, the petitioner failed to pay the provident fund amount, he was placed under forced leave vide proceedings dated 12-06-1990.

The petitioner filed W.P.No.11509 of 1990 questioning the said proceedings. The said writ petition was disposed of with a direction to continue the petitioner in service and while directing the petitioner to pay the amount within two months, this Court further directed that in case of default, the proceedings dated 12-06-1990 could be enforced. Respondents would submit that pursuant to the orders of this Court, the petitioner reported for duty on 10-12-1990. However, he did not remit the amount as directed by this Court and as such, the petitioner was kept forcibly under leave again from 10-02-1991. It is stated that on a representation being filed by the petitioner to the Vice Chairman & Managing Director, the amount was directed to be recovered in six instalments and the petitioner was asked to be taken back on duty vide proceedings dated 02-11-1992. It is stated that in view of non-payment of the provident fund amount, the petitioner was kept under forced leave and during this period, he was neither entitled for salary nor for increments.

From the counter affidavit it is clear that this Court, by order in W.P.No.11509 of 1990, while directing that the petitioner be taken back on duty had held that in case of default, the earlier proceedings dated 12-06-1990 placing him under leave

forcibly could be enforced. The order of this Court in W.P.No.11509 of 1990 is a judgment inter parties and is binding on the petitioner. It is not for this Court, in subsequent writ proceedings, to examine the correctness or otherwise of the earlier orders of this Court in W.P.No.11509 of 1990. Admittedly, the petitioner did not pay the provident fund amount to the respondents within the time stipulated by this Court resulting in the proceedings dated
12-06-1990 being enforced. I see no reason to interfere with the order of the respondents in this regard.

The writ petition fails and is accordingly dismissed. No costs.

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16-03-2006

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